

ESTTA Tracking number: **ESTTA649134**

Filing date: **01/09/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91217630
Party	Defendant Hansen, Gary, St. Martin
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Date	01/09/2015
Attachments	XResponse.pdf(149671 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

In the matter of U.S. Trademark Application

Serial No. 86112261

Mark: IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU
BEEN HERE!

Filed: November 6, 2013

Published: April 1, 2014

_____)	
Sturgis Motorcycle Rally Inc.)	
)	
Opposer,)	
)	
v.)	Opposition No.: 91217630 _____
)	
Gary St. Martin Hansen)	Application No.: 86112261 _____
)	
Applicant,)	
_____)	

Registration No.:86112261

Mark:

IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND,
'TILL YOU BEEN HERE!

RESPONSE TO OPPOSERS PARTIAL OPPOSITION TO APPLICANT'S
REVISED MOTION TO AMEND GOODS AND SERVICES,

No1 The Applicant is not Abandoning the Application !

No2 The Applicant hereby files this response :

The Applicant hereby swears that there is, and never was an abandonment of the
application purposely created, requested, or filed to be as such when Revised
Motion to Amend Goods and Services was filed.

The Applicant is not Abandoning the Application

No.3 Applicant using computer telephone conferencing software initiated this conference. Wendy Edelson was present to hear the conversation and take notes, during the conference. When reviewed, it depicts a constant effort on the part of the Applicant to appease Mr. Sneed and SMRi, so as to resolve the issues the Opposer had brought forth .

The Applicant, during the phone conference, in an effort to possibly resolve an issue in their Opposition of Goods and Services and tee shirt merchandise, offered to alter the, IT'S A BLACK HILLS THING .com website by removing motorcycle theme graphics etc and ultimately replaced them with Bentonite graphics etc, Again, in an effort to appease Mr. Sneed who had viewed the website and found it to be indicative that the Applicant's trade mark was aligned with the Sturgis Motorcycle Rally event, and related merchandise sales, ie tee shirts. Again the Applicant in an effort to appease Mr. Sneed the Applicant offered to file a Motion to Amend Goods and Services from class 040, Mr. Sneed responded with, ' you are free to file whatever Amendment you wish' ,of which the Applicant apparently misconstrued as a positive response which could possibly resolve the Goods and Services issue by Amending the Goods & Services from class 040 to class 001 Bentonite, thus not in conflict with SMRi, of which the Applicant filed, only then to have the Opposer file a partial opposition against the Motion to Amend Goods and Services and the Revised Motion to Amend Goods and Services, leaving the Applicant with no avenue to resolve these issues and thus allowing this groundless, and unwarranted opposition to be ongoing to what end and why?.

The Applicant has obviously done whatever necessary to eradicate the issues that somehow SMRi and Mr. Sneed conceive of as problematic in relationship to the Applicant's trade mark,

IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND,

'TILL YOU BEEN HERE! and their "Black Hills" trade mark.

It appears that there is no way to appease SMRi and Mr. Sneed, short of abandonment of the application, which is what Mr. Sneed was implying when he said feel “free to pursue what ever amendment you wish, but SMRi will not be satisfied with “anything less than an abandonment of the Application,” Now, Mr. Sneed, by some legal maneuver, tries to create a case for Abandonment of Application while the Applicant is continually trying to appease the Opposer, with only one goal in mind, to resolve this unwarranted opposition and have it dismissed by the board as just another Sturgis Motorcycle Rally inc Opposition filed to control the use of the many words contained in their many trade marks, in this case, it is of course, Black Hills. The Applicant, a professional drummer, and writer publishing a book which deals with a period of Black Hills history, that took place in Rapid City, and Deadwood, in the professional music business. The Sturgis Motorcycle Rally is not even mentioned in the book by the same title as the Applicant’s trade mark.

No. 4 While speaking with a witness that will testify on the Applicant’s behalf when called, who worked at Full Throttle Saloon in Sturgis for Michael Ballard, this Applicant was told that Full Throttle Saloon’s trade mark, even though the trade mark name has “Sturgis,” in it’s mark, and it’s Goods and Services were in a class SMRi is known to oppose, there was no Opposition was filed against them, yet they oppose my trade mark which has but one remaining point that SMRi seems to believe they own, and that is the words “Black Hills”.

The , “IT’S A BLACK HILLS THING! YOU WOULDN’T UNDERSTAND,
‘TILL YOU BEEN HERE! trade mark is also the title of a book being published early this Spring. It would be impossible to write a book, or a song etc, about the Black Hills without using those words, “Black Hills,” etc.

Why would the Opposer want to see the Motion to Amend Goods and Services not amended to a

class that had nothing to do with their mark, their merchandise, their “Black Hills”

As noted in several filed documents by the Applicant pertaining to this Opposition, The Amcol trade mark registered in 1955 BLACK HILLS is live, and this Corporation is at present using their trade mark as the Applicant was told by an executive there after speaking with Amcol late last year. Why then does SMRi choose to oppose the Applicant’s trade mark to this degree.

I am sure that after Mr. Sneed’s lawyer fees, and filing fees are tallied, for to bring forth and continue this Opposition to the Applicant’s Application, it will prove to be a very costly legal move for a non-profit organization like SMRi ...

In Applicant’s last email to John Paul De Joria, who is also being opposed by SMRi I mentioned that I could maybe understand that SMRi might file an opposition to his trade mark application, as it is directly related to The Sturgis Motorcycle Rally and that at least he could afford this legal fees, joking ... as he is a billionaire, but the Applicant’s trade mark is not “Sturgis” related.

Oppositions and civil law suits that virtually harass those who’s businesses and enterprises in the Black Hills such as the Applicant, and billionaires alike, as funds from the non-profit donations from events such as The Legendary Rides etc, a portion then goes to fund Mr. Sneed’s legal fees, to bring more oppositions and civil law suits to bear ... This seems to the Applicant to be a misuse of the trade mark rules and procedures, based literally on the premise that SMRi can own and control the words, “Sturgis”, and “Black Hills”, etc, and pick and choose which new innocent applicant of a new trade mark that might contain one of those names, even though they are now, and always will be in the public domain, those names of the Black Hills of South Dakota, and a town called Sturgis, both of which will always belong to the People, not SMRi.

No.5 Being advised by the Applicant’s assigned interlocutory attorney, I hereby file this

response to the Opposer's partial opposition to the filed Revised Motion to Amend Goods and Services, and I swear that it has never been the intention of the Applicant to create, suggest, or give the impression that the Applicant was seeking , by filed motion or any inadvertent statement or request that would give the impression that an "Abandonment of the Application is desired or requested.

The Applicant is not requesting, and does not seek an
Abandonment of Application of the trade mark ,

IT'S A BLACK HILLS THING!

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The Applicant begs the Board to dismiss this Opposition because there is no way to appease the Opposer, and the history of the documents, especially the Motion to Amend Goods and Services and the Revised Motion to Amend Goods and Services bear out this truth that SMRi has no intentions of considering any offer to resolve, or any motion to Amend, nor any proposal of any kind of a compromise, and because the Motion to Amend Goods and Services, and the Revised Motion to Amend Goods and Services were rejected as a resolution based on their filed Opposition, it is obviously not a case about Goods and Services etc but an effort to force trade mark applicants to abandon their applications.

The Applicant did not, and does not seek an Abandonment of Application of the trade mark ,

IT'S A BLACK HILLS THING!

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January 9, 2015

Respectfully Submitted,
Gary St. Martin Hansen



Certificate of Filing

The undersigned certifies that this correspondence is being filed via electronic means by
Filing with the Electronic system for Trademark Trial and Appeals.

Gary St. Martin Hansen

Gary St. Martin Hansen

Date of Signature: January 9, 2015

Certificate of Service

I hereby certify that a true and accurate copy of Applicant's Rule 26(A)(1) Response to Opposer's Partial Opposition to Applicant's REVISED MOTION TO AMEND GOODS AND SERVICES has been served on the following by delivering said copy January 9, 2015, via First Class Mail, to counsel for Opposer at the following address:

Jason Sneed
Sneed PLLC
610 Jetton St., Suite 120-107
Davidson, North Carolina, 28036
704-779-3611
Attorney for Opposer,
Sturgis Motorcycle Rally Inc

Respectfully Submitted,

Gary St. Martin Hansen

A handwritten signature in cursive script that reads "Gary St. Martin Hansen".